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EXAMINER	
NGUYEN, MINH CHAU	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,672	ALLEN ET AL.	
	Examiner	Art Unit	
	MINH-CHAU N. NGUYEN	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2001*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19-37 and 39-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-37 and 39-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/16/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

MN

DETAILED ACTION

1. This action is responsive to the amendment of the applicant filed on 03/08/06. Claims 1-17,19-37,39-46 presented for further examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,2,15,16,21,22,35,36,41,42,45,48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claims 1,2,16,21,22,36,41,42,45,48, the phrase "forwarding the video communication request from the broadcast center to the first selected communication device" and "forwarding the video communication request to the second selected communication device" are unclear and vague. The examiner has interpreted either "forwarding the video communication request from the broadcast center to the first selected communication device" or "forwarding the video communication request to the second selected communication device" to mean forwarding the resulting of requested video (or the video content) to the first or second communication device.
4. In claims 15 and 35, the phrase "audio-only communication" and "establishing an audio-only connection" are unclear and vague. They are conflict with "video communication" which is claimed in claims 1 and 21. Is "video communication" or

"audio-only communication" claimed in the invention? The examiner has interpreted "audio-only communication" and "establishing an audio-only connection" to mean video communication.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-17,19-37,39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (Spies) (6,055,314), and Knauerhase (US 2003/0023691 A1).

6. Regarding claim 1, Spies teaches a method for routing video calls to a user of multiple communication devices, the method comprising:

receiving a video communication request at a broadcast center configured to distribute programming content from content providers, the video communication request addressed to a recipient (i.e. a broadcast center is a video content provider 22, and content providers are video merchants, and a recipient is a subscriber/ purchaser 26. The video merchant receives a request for a video content program from the purchaser whom presents an IC card 50 to the video merchant for a selected video content program. After that, the video content provider supplies the video content program on a distribution medium by

receiving the request which is addressed to the purchaser from the video merchant) (figure 1; and Col. 1, L. 14-22; and Col. 2, L. 34-42, L. 50-61; and Col. 3, L. 5-19; and Col. 5, L. 10-32, L. 55-62; and Col. 6, L. 51-58; and Col. 8, L. 60-67; and Col. 14, L. 24-40);

identifying the recipient from information contained within the incoming request (i.e. before the video content provider supplies a video content program to a viewer computing unit 60 of the purchaser, the video content provider must identify the purchaser (i.e. by verify the viewer's PIN, the IC card's credential and the identification number of the viewer computing unit) through the IC card which is coupled to the viewer computing unit 60) (Col. 3, L. 19-27; and Col. 6, L. 52-65; and Col. 8, L. 15-25; and Col. 9, L. 40-45; and Col. 13, L. 10-20; and Col. 14, L. 10-15);

determining a set of communication devices associated with the recipient (i.e. a set of communication devices associated with the purchaser might be an STB, a desktop, a computer, a DVD player or some other computing mechanism that is capable of handling video content program) (Col. 2, L. 34-40; and Col. 3, L. 5-14; and Col. 9, L. 4-13; and Col. 13, L. 35-45);

forwarding the video communication request from the broadcast center to one of the set of communication devices (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45).

Spies fails to teach selecting from the set of communication devices a first communication device with a highest probability of being presently accessible to

the recipient at the time the request is received; and forwarding the video communication request to the first selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting from the set of communication devices a first communication device with a highest probability of being presently accessible to the recipient at the time the request is received; and forwarding the response to the first selected communication device (i.e. from the set of communication devices such as work computer, cell phone, and pda, etc. The pda communication device is available to be selected to receive the request (or response) with a highest probability of being presently accessible to the recipient. Therefore, the video content provider can forward the video content program to the pda communication device) (paragraph 13-20,26,32-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of selecting from the set of communication devices a first communication device with a highest probability of being presently accessible to the recipient at the time the request is received; and forwarding the response to the first selected communication device, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

7. Regarding claim 2, Spies teaches in response to the recipient: forwarding the video communication request to a modified communication device (such as a modified viewer computing unit 60') (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45; and Col. 13, L. 35-45).

Spies fails to teach selecting a second communication device with a next highest probability of being presently accessible to the recipient after the first selected communication device; and forwarding the video communication request to the second selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting a second communication device with a next highest probability of being presently accessible to the recipient after the first selected communication device; and forwarding the video communication request to the second selected communication device (i.e. from the set of communication devices such as work computer, cell phone, and pda, etc. The cell phone is available to be selected to receive the request (or message) with a next highest probability of being presently accessible to the recipient) (paragraph 13-20,26,32-34).

The same motivation that was utilized in claim 1, applies equally as well to claim 2.

8. Regarding claim 3, Spies teaches a communication device, which is used to receive the video content program associated with the recipient, is currently logged in such that the recipient is authenticated as a user of the communication

device (Col. 3, L. 10-26; and Col. 6. L. 34-Col. 7, L. 3; and Col. 8, L. 13-25; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach selecting a communication device from the set of communication devices. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting a communication device from the set of communication devices (paragraph 13-20,26,32-34).

The same motivation that was utilized in claim 1, applies equally as well to claim 3.

9. Regarding claim 4, Spies teaches using a communication device is associated with the recipient to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach selecting from the set of communication devices a communication device last accessed by the recipient/purchaser. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting from the set of communication devices a communication device last accessed by the recipient (paragraph 13-20,26,32-34).

The same motivation that was utilized in claim 1, applies equally as well to claim 4.

10. Regarding claim 5, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach obtaining schedule data identifying probable physical locations of the recipient at various times; determining from the schedule a probable physical location of the recipient at the time the request is received; and selecting from the set of communication devices a communication device in closest proximity to the probable physical location of the recipient. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches obtaining schedule data identifying probable physical locations of the recipient at various times (paragraph 26,38); determining from the schedule a probable physical location of the recipient at the time the request is received (paragraph 13-15,19,26,32-33,38); and selecting from the set of communication devices a communication device in closest proximity to the probable physical location of the recipient (paragraph 13-15,19,26,32-33,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of obtaining schedule data identifying probable physical locations of the recipient at various times; determining from the schedule a probable physical location of the recipient at the time the request is received; and selecting from the set of communication devices a communication device in closest proximity to the probable physical location of the recipient, in the teachings of Spies in system

and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

11. Regarding claim 6, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach storing usage pattern data identifying communication devices used by the recipient at various times; and determining from the usage pattern data a communication device accessible to the recipient at the time the request is received. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches storing usage pattern data identifying communication devices used by the recipient at various times (paragraph 19,26,31); and determining from the usage pattern data a communication device accessible to the recipient at the time the request is received (paragraph 14-15,19,26,32-33,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of storing usage pattern data identifying communication devices used by the recipient at various times; and determining from the usage pattern data a communication device accessible to the recipient at the time the request is received, in the teachings of Spies in system and method for secure purchase

and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

12. Regarding claim 7, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach storing user preference data identifying communication devices to be used by the recipient at various times; and determining from the user preference data a communication device to be used by the recipient at the time the request is received. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches storing user preference data identifying communication devices to be used by the recipient at various times (paragraph 19,26,31); and determining from the user preference data a communication device to be used by the recipient at the time the request is received (paragraph 14-15,19,26,32-33,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of storing user preference data identifying communication devices to be used by the recipient at various times; and determining from the user preference data a communication device to be used by the recipient at the time the request is received, in the teachings of Spies in system and method for secure purchase

and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

13. Regarding claim 8, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach determining, based on a locator device carried by the recipient, an actual physical location of the recipient at the time the call is received; and selecting from the set of communication devices a communication device in closest proximity to the actual physical location of the recipient. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches determining, based on a locator device carried by the recipient, an actual physical location of the recipient at the time the call is received (paragraph 13-15,19,32-33); and selecting from the set of communication devices a communication device in closest proximity to the actual physical location of the recipient (paragraph 13-15,19,26,32-33,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of determining, based on a locator device carried by the recipient, an actual physical location of the recipient at the time the call is received; and selecting from the set of communication devices a communication device in closest

proximity to the actual physical location of the recipient, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

14. Regarding claim 9, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach polling each communication device within the set for an indication of the recipient's presence. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches polling each communication device within the set for an indication of the recipient's presence (paragraph 32-34,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of polling each communication device within the set for an indication of the recipient's presence, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

15. Regarding claim 10, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach receiving an indication of the recipient's presence from a communication device within the set. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches receiving an indication of the recipient's presence from a communication device within the set (paragraph 14-20,26,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of receiving an indication of the recipient's presence from a communication device within the set, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

16. Regarding claim 11, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach receiving an indication of the recipient's presence sent from a communication device within the set in response to a user command. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches receiving an indication of the recipient's presence sent from a communication device within the set in response to a user command (paragraph 26,32-33).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of receiving an indication of the recipient's presence sent from a communication device within the set in response to a user command, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

17. Regarding claim 12, Spies teaches using one of communication devices (or viewer computing units) which is associated with the recipient/purchaser to receive the video content program and its configuration information (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 10-45).

Spies fails to teach receiving configuration information from a user pertaining to a new communication device associated with the user; and adding the configuration information to information pertaining to a set of communication devices associated with the user. However, Knauerhase, in the same field of

endeavor having closely related objectivity, teaches receiving configuration information from a user pertaining to a new communication device associated with the user (paragraph 14,26); and adding the configuration information to information pertaining to a set of communication devices associated with the user (paragraph 14-15,26,38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of receiving configuration information from a user pertaining to a new communication device associated with the user; and adding the configuration information to information pertaining to a set of communication devices associated with the user, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

18. Regarding claim 13, Spies teaches Spies teaches configuration information comprises at least one of a name for the communication device, a type of the communication device, and a network address for the device (Col. 3, L. 10-26; and Col. 9, L. 4-45; Col. 13, L. 35-45).

19. Regarding claim 14, Spies teaches in response to the user accepting the video communication request: establishing communication with the communication device (Col. 3, L. 36-50; and Col. 9, L. 4-45).

Spies fails to teach establishing communication with the first selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches establishing communication with the first selected communication device (paragraph 13-20,26,32-34).

The same motivation that was utilized in claim 1, applies equally as well to claim 14.

20. Regarding claim 15, Spies teaches the video communication request originates from a purchaser has an IC card which can be compatibly interfaced to the merchant computing unit. Moreover, this IC card is coupled to the viewer computing unit which is capable of audio and video communication and wherein establishing comprises:

detecting that the communication device supports audio-only communication (i.e. the viewer computing unit might be a set-top box for an interactive television system and a display. Therefore, it implies the viewer computing unit can support audio-only communication) (Col. 3, L. 36-50; and Col. 9, L. 4-45); and

establishing an audio-only connection with the communication device (Col. 3, L. 36-50; and Col. 9, L. 4-45).

Spies fails to teach a caller device and the first selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches a caller device and the first selected communication device (figure 1; and paragraph 13-20,26,32-33).

The same motivation that was utilized in claim 1, applies equally as well to claim 15.

21. Regarding claim 16, Spies teaches each communication device in the set has an associated network address, and wherein forwarding comprises:

addressing the video communication request to the network address for the communication device (i.e. the network address for the communication device is inherited from the distribution network) (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45); and

transmitting the video communication request to the communication device (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45).

Spies fails to teach the first selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches the first selected communication device (figure 1; and paragraph 13-20,26,32-33).

The same motivation that was utilized in claim 1, applies equally as well to claim 16.

22. Regarding claim 17, Spies teaches the network address comprises one of a uniform resource locator (URL), an Internet protocol (IP) address, a media access control (MAC) address, and a telephone number (i.e. the distribution network implies an IP address or the telephone network implies a telephone number) (Col. 6, L. 34-45).

23. Regarding claim 19, Spies teaches the broadcast center is selected from the group consisting of cable head-end, an Internet server, and a satellite broadcast center (Col. 1, L. 14-22; and Col. 14, L. 32-37).

24. Regarding claim 20, Spies teaches the video communication request comprises an address that uniquely identifies the recipient associated with the set of communication devices (Col. 2, L. 50-61; and Col. 3, L. 5-19; and Col. 8, L. 13-47; and Col. 9, L. 4-45; and Col. 13, L. 10-45).

25. Regarding claim 42, Spies teaches a method for routing video calls to a user of multiple communication devices, the method comprising:

receiving a video communication request addressed to a recipient, the recipient being associated with the set of communication devices (i.e. content providers are video merchants, and a recipient is a subscriber/ purchaser 26. The video merchant receives a request for a video content program from the purchaser whom presents an IC card 50 to the video merchant for a selected

video content program. Moreover, a set of communication devices associated with the purchaser might be an STB, a desktop, a computer, a DVD player or some other computing mechanism that is capable of handling video content program) (figure 1; and Col. 1, L. 14-22; and Col. 2, L. 34-42, L. 50-61; and Col. 3, L. 5-19; and Col. 5, L. 10-32, L. 55-62; and Col. 6, L. 51-58; and Col. 8, L. 60-67; and Col. 9, L. 4-13; and Col. 13, L. 35-45; and Col. 14, L. 24-40);

a communication device, which is used to receive the video content program associated with the recipient, is currently logged in such that the recipient is authenticated as a user of the communication device (Col. 3, L. 10-26; and Col. 6. L. 34-Col. 7, L. 3; and Col. 8, L. 13-25; and Col. 9, L. 4-45; Col. 13, L. 10-45).

forwarding the video communication request to the communication device (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45).

Spies fails to teach selecting a first communication device from the set of communication devices, and forwarding the response to the first communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting a first communication device from the set of communication devices, and forwarding the response to the first communication device (paragraph 13-20,26,32-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of selecting a first communication device from the set of communication devices,

and forwarding the response to the first communication device, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

26. Regarding claim 43, Spies teaches

from using the communication device that the recipient is logged in to the communication device (Col. 3, L. 10-26; and Col. 6. L. 34-Col. 7, L. 3; and Col. 8, L. 13-25; and Col. 9, L. 4-45; Col. 13, L. 10-45);

from using a modified communication device of the set of communication devices that the recipient is logged in to the modified communication device (Col. 3, L. 10-26; and Col. 8, L. 13-25; and Col. 9, L. 4-45; Col. 13, L. 10-45); and

Spies fails to teach receiving notification from the first communication device that indicates the recipient's the first communication device is currently reachable; receiving notification from a second communication device of the set of communication devices that indicates the recipient's the second communication device is currently reachable; and determining that the recipient logged into the first communication device more recently than the second communication device such that there is a higher probability of the first communication device being presently accessible to the recipient. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches receiving notification from the first communication device that indicates

the recipient's the first communication device is currently reachable (i.e. the first communication device is pda) (paragraph 14, 16-21,32-34); receiving notification from a second communication device of the set of communication devices that indicates the recipient's the second communication device is currently reachable (i.e. the second communication device is cell phone) (paragraph 14, 16-21,32-34); and determining that the recipient logged into the first communication device more recently than the second communication device such that there is a higher probability of the first communication device being presently accessible to the recipient (i.e. The pda communication device is available to be selected to receive the request (or response) with a highest probability of being presently accessible to the recipient) (paragraph 13-20,26,32-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of receiving notification from the first communication device that indicates the recipient's the first communication device is currently reachable; receiving notification from a second communication device of the set of communication devices that indicates the recipient's the second communication device is currently reachable; and determining that the recipient logged into the first communication device more recently than the second communication device such that there is a higher probability of the first communication device being presently accessible to the recipient, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the

purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

27. Regarding claim 44, Spies teaches the video communication request is received by a communication node selected from the group comprising a set top box (STB), a cable head-end, and Internet server, and a satellite broadcast center (Col. 1, L. 14-22; and Col. 14, L. 32-37).

28. Regarding claim 45, Spies teaches a method for routing video calls to a user of multiple communication devices, the method comprising:

receiving a video communication request addressed to a recipient, the recipient being associated with the set of communication devices (i.e. content providers are video merchants, and a recipient is a subscriber/ purchaser 26. The video merchant receives a request for a video content program from the purchaser whom presents an IC card 50 to the video merchant for a selected video content program. Moreover, a set of communication devices associated with the purchaser might be an STB, a desktop, a computer, a DVD player or some other computing mechanism that is capable of handling video content program) (figure 1; and Col. 1, L. 14-22; and Col. 2, L. 34-42, L. 50-61; and Col. 3, L. 5-19; and Col. 5, L. 10-32, L. 55-62; and Col. 6, L. 51-58; and Col. 8, L. 60-67; and Col. 9, L. 4-13; and Col. 13, L. 35-45; and Col. 14, L. 24-40);

a communication device, which is used to receive the video content program associated with the recipient, is currently logged in (Col. 3, L. 10-26; and Col. 8, L. 13-25; and Col. 9, L. 4-45; Col. 13, L. 10-45).

forwarding the video communication request to the communication device (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45).

Spies fails to teach selecting a first communication device from the set of communication devices which is last accessed by the recipient, and forwarding the response to the first communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches selecting a first communication device from the set of communication devices which is last accessed by the recipient, and forwarding the response to the first communication device (paragraph 13-20,26,32-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of selecting a first communication device from the set of communication devices which is last accessed by the recipient, and forwarding the response to the first communication device, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

29. Regarding claim 46, Spies teaches a method for routing video calls to a user of multiple communication devices, the method comprising:

associating a user with a set of communication devices (i.e. a set of communication devices associated with the purchaser might be an STB, a desktop, a computer, a DVD player or some other computing mechanism that is capable of handling video content program) (Col. 2, L. 34-40; and Col. 3, L. 5-14; and Col. 9, L. 4-13; and Col. 13, L. 35-45);

receiving a video communication request at a first time, the video communication request addressed to the user (i.e. content providers are video merchants, and a recipient is a subscriber/ purchaser 26. The video merchant receives a request for a video content program from the purchaser whom presents an IC card 50 to the video merchant for a selected video content program. After that, the video content provider supplies the video content program on a distribution medium by receiving the request which is addressed to the purchaser from the video merchant) (figure 1; and Col. 2, L. 34-42, L. 50-61; and Col. 3, L. 5-19; and Col. 5, L. 10-32, L. 55-62; and Col. 6, L. 51-58; and Col. 8, L. 60-Col. 9, L. 45; and Col. 14, L. 24-40);

forwarding the video communication request to one of the set of communication devices (Col. 3, L. 36-50; and Col. 8, L. 60-67; and Col. 9, L. 4-45).

Spies fails to teach storing usage pattern data identifying a set of times during which each communication device in the set of communication devices is

used; comparing the first time with the set of times to determine a first communication device of the set of communication devices with a highest probability of being presently accessible to the user; and forwarding the video communication request to the first selected communication device. However, Knauerhase, in the same field of endeavor having closely related objectivity, teaches storing usage pattern data identifying a set of times during which each communication device in the set of communication devices is used (paragraph 19,26,31); comparing the first time with the set of times to determine a first communication device of the set of communication devices with a highest probability of being presently accessible to the user; and forwarding the video communication request to the first selected communication device (i.e. from the set of communication devices such as work computer, cell phone, and pda, etc. The pda communication device is available to be selected to receive the request (or response) with a highest probability of being presently accessible to the recipient. Therefore, the video content provider can forward the video content program to the pda communication device) (paragraph 13-20,26,32-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Knauerhase's teachings of storing usage pattern data identifying a set of times during which each communication device in the set of communication devices is used; comparing the first time with the set of times to determine a first communication device of the set of communication devices with a highest probability of being presently

accessible to the user; and forwarding the video communication request to the first selected communication device, in the teachings of Spies in system and method for secure purchase and delivery of video content programs, for the purpose of routing the video content program to purchasers with dramatically increased ease, flexibility and situational appropriateness.

30. Claims 21-37,39-40 are corresponding system claims of method claims 1-17,19-20. Therefore, they are rejected under the same rationale.

31. Claim 41 is corresponding system claim of method claim 1. Therefore, it is rejected under the same rationale.

Response to Arguments

Applicant's arguments filed 03/08/06 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-17,19-37,39-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JASON D. CARDONE can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Minh-Chau Nguyen
Art Unit: 2145

MN

JASON CARDONE
SUPERVISORY PATENT EXAMINER